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OFFICE OF PETITIONS

In re Application of :
Pinto et al. :
Application No. 10/749,669 :
Filed: December 30, 2003 : ON PETITION
Attorney Docket No. ZRAN.040US0 :

This is a decision in response to the Request for Corrected Filing Date and Filing Receipt, filed August 9, 2004, which is properly treated under 37 CFR 1.10(c), requesting the application be accorded a filing date of December 30, 2003, instead of the presently accorded filing date of December 29, 2003.

Petitioner alleges that the application was deposited in Express Mail service on December 30, 2003. In support of the allegation, the petition is accompanied by a copy of Express Mail label No. EV321705573US, with a "Date-In" of December 30, 2003. A review of the application file reveal that the same Express Mail label receipt number, EV321705573US, was included on the Application Transmittal page filed with the application on December 30, 2003.

The Office considers the date the correspondence is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail mailing label. See MPEP § 513. The date indicated on the "date-in" on the Express Mail mailing label verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on December 30, 2003.

Applicant also files a copy of his return-receipt postcard indicating that this application, with Express Mail label No. EV321705573US, was received in this Office on December 30, 2003.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an

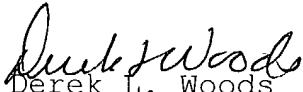
Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

In view of the foregoing, this Petition in Granted.

No petition fee has been charged and none is due.

This application is being forwarded to the Office of Initial Patent Examination for correction of the filing date to December 30, 2003, and for the mailing of a Corrected Filing Receipt.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.


Derek L. Woods
Petitions Attorney
Office of Petitions